

Preserved

p46

G. R. S. IX-5]

Previous references.

File No. 129-19

Serial Nos. 1-8.

1920.

(Police)

Later references.

Ch. 14-N-40.

Preserve
72/15711/42

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. Eight.

Part B for

October 1920.

SUBJECT.

The Kestur Murder Case.

8(8)

To

The I.G. of Police

" Revenue Commr.

" Registrar Chief Court.

No. G. 8448-50 D/25.10.20

States that Govt. think that the Kestur
Murder Case was badly handled by the
Amildar Mr. J.V. Ramashastri.

1919.

GENERAL AND REVENUE SECRETARIAT

(Reice)

NOTES.

File No. 129-19

FILE HEADING.

The Keshu murder case.

From

No.

Dated

Received

Diary No.

]

Enclos.

Spare Copies.

[

Serial No.

BRIEF ABSTRACT OF LETTERS.

Extract from the 'Truth' 2/19/20
January 1920 re the Keshu murder
case.

NOTES AND ORDERS.

NOTES—First Sheet.

Serial
No.

1

To Mr. A. Subrahmanya Sver
D. G. & Police

no 9 16961

bc 23-1-20

calls for a copy of the
sessions Court Judgment
in the case.

2

From the same.

No. 335 d/ 29th January 1920

Forwards copy of the
judgment of the sessions Judge
called for in the above.

It has been held that the evidence
of the first 4 Prosecution witnesses was
fabricated, that the investigation by the
Amildar was very perfunctory result-
ing in a miscarriage of justice. The
supposed murderers are acquitted of the
charge & have been released.

2) It is said that the Amildar has no
experience of Police work and he has
admitted that this is the first case he
was called upon to investigate.

3) In this connection, the D. G. of Police
urges for the 'consideration of Govt
'Investigation of heinous cases by
Police Inspectors' and 'Divesting

Police File No. 129 of 1919.

Serial
No.

Police 110-182

133-18 have been
put up with file
re A.S.P.'s

5) This has been ^{detached} ~~distanced~~
from that file ^{the persons}
written to for sending the opinion
of all D. comm. Please put
up the file
11/2

note: -

The papers up to in
high C.O. W. O. 8.29.1.20
shd. be properly flagged
before sub to
11/2

References flagged
11/2

Amildars of their Police functions?
questions which have a bearing
on cases similar to the one under
advantage.

4) Subd. for orders

SEP 3/2 6) Both the reference files
are linked herewith

SEP

4/2

11/2

11/2

7) The question of diverting Amildars
of Police functions is separately under
consideration & opinions have been called
for. There is likely to be some difference
of opinion on the subject.

But the present suggestion is
a narrower one & that is to take away
from the Amildars the duty of personally
investigating heinous cases & to subsume
that duty to the Inspectors subject to
the supervision of the Amildars.

8) The investigation of heinous
offences - such as a murder or a dacoity
or a robbery - calls for the exercise of
considerable skill & knowledge, the result of
long experience of police work & it is
not fair to expect an Amildar who

14235 (4)

Serial
No.

was till shortly previously a clerk
or a scribe to do such work
satisfactorily. The Inspector is the
local officer best fitted for the work &
he should be primarily responsible
for it. It is however desirable that
the Amildar should have some supervision
as such control is likely to keep the
Police straight & prevent oppression
to some extent.

2nd member~~2nd member~~

The Rev. Secy

16-2-20

18/2

14/2/20

D. M.

14/2

D. M.

17/2

3373
17/2/20

10) The Rev. Amildar being new
& inexperienced in this work he
should have been given the help of
a good Inspector for his investigation
of this case & his Police Sub-Station
have also closely watched & super-
vised his investigation.

11) The D. S. I. is later shown that his
Inspector was allowed to go ^{away} to Rajahmundry
in connection with some other business.
That he D. S. I. (Mr. Thakur) was
on leave at the time & that he is

14235 (5)

Serial
No.

who was in charge of the D. & P. work
in addition to his duties did not
concern himself much
in this case. In the circumstances
it is no wonder - though it is a matter
for great regret - that this case
was not properly handled by the assistant
and by an inexperienced subordinate.

2) As regards the general question
raised by the J. G. about officers
in command of the Police and
the Police - if any, relating to it
may be put up ~~for consideration~~
for perusal. When, if necessary

in
18/2/10

D. 41/1

1) Result. The linked files relate to the
general question referred to above

for
up

2) The opinions of the Dep. Commr
have been read. These put up
with various orders about the article
in the Mysore paper.

D. 41/1
8/3

W. J. M.

entry No. 16381

10 - 10
SECTION
FILE
ER-INTELLIGENCE.
CLERK
Office.

26th February 1920.

• • •

24th February 1920.

• • •

66) "The extract should be submitted to the Third Member."

29. 2. 20.

— — — — —

• By order,

156) Anthony Probst -
Early con

Wyznacza

11/1/87

D. 4.
8/3

W235
11381

(7)

G. R. S. III-2]

General and Revenue
Secretariat.

Police File No. 129 of 1919

Serial
No.

19)

The article regarding the
Keshu Murder case is contain-
ed in the 'Mysore Patriot' d/
24th February 1920 put up
herewith. Subd with refer-
ence to para 16, on the preceding page

see

9/3

9/3

III Member.

W. M.
9/3

20)

The suggestion made now is
no doubt a narrow one, but what
control and supervision can an
Assistant exercise if he does not
make to realize his responsibility
his position and is not able to give
useful instructions to his subordinates
in the Police Dept. - If his connection
with Police is deemed necessary to
press on in the Police Dept. subordinates
Police Officers, then he will be regarded
more & less as a spy & will com-
menced little & no respect. But the
is a drag in the wheel of Police
which is not and while shirking all
responsibility, will find cases
with impunity. This is the

- See para 14. the receipt
is with Police 133-18
T. S. S. S. S.

T

4507
9.3.20

Serial
No.

the reason why the investigation of criminal
 cases by the Amildars is ~~unsuccessful~~
 is based upon this was all right so
 long as they were magistrates. They heard
 the law & were dealing with it every day
 and had besides some powers vested in them
 by law with the Police. They could very well
 investigate murder cases & guide the Police
 in proper directions. Of course, there used
 to be officers and then under the present
 also, but who can guarantee the results
 in all cases. Cases investigated by the
 best Police officers have often failed.
 The latest instance of this is afforded by
 the failure of the Newington murder
 case of Madras. But the ^{main} reason
 of this separation of judicial from executive
 functions, which has
 assumed a deficient ^{aspect} - the Amildars
 are no longer magistrates and have no
 supervision of criminal matters -
 they cannot understand special
 details & can give no assistance
 when Police need assistance. I
 shall go to the whole way & deprive
 them of their executive functions
 in the matter except what they may
 obtain as magistrates. In my opinion
 their dissociation from the Police

P. 129

File No.

129

of 1914.

Serial
No.

will give whole sum from the money that
the Press and improve their morale
what the change that he made depends
upon the decision upon the criminal
proof of the newspaper. This ^{file} ~~case~~
may be submitted to the file
in which the question is raised and
is being worked up -

21) As regard the murder case, I would
like to know how the dagger was not
recovered by the Police & whether any ^{really} ~~any~~
made towards its recovery or not,
whether the spot where the deceased is
stated to have been stabbed was found
by the Police ^{whether} ~~for~~ blood stains ^{have} ~~whether~~
found there, whether according to
medical evidence there had been
unpurpose bleeding so as to leave blood
stains when poured a part of it
up the house, I would also like to
know when the PW 2 was examined by
the Police & what the shop keeper
further stated before the Police -
The special danger in the case
may be that of an ^{also} ~~also~~ the
recovery of the case - In the ^{absence of} ~~absence of~~ inspection
the sub-inspector did have access to
the ^{house} ~~house~~ in the ^{mortgage} ~~mortgage~~ ^{able} ~~able~~.
It is a question whether the
curious did not be noticed

vide P. 129 letter of 8.5.19

S. C. R.

Please have extracts of
pages 769, 12 & 20 typed
for the file regarding the
general question

Also put up a draft
as a record in para 21
NOTE - Contn. sheet.

R. S. R.
11/3

D. 11/3

10/3

Serial
No.

22)

Extracts of the papers required have
been got typed & placed in Police
133-18 linked herewith.

23) A draft is subd with reference to
para 21.

SEP

22/3
22/324) Issues
D. 22/3

3

See D & P Police

no 9 22311

D. 27-3-1920

Calls for information on
certain points.

Inst A
31/3

5-APR 1920

From the same

No. ROC. 1943/19-20 d/3. 4. 1920

States that the records in the case
may be got from the Registrar of
the Chief Court or Sessions Judge.
& that the information regarding
certain points will be subd on receipt
from the Dy Commr.

25) Draft calling for the records is
subd

SEP

6/4
7/426) Issues
D. 2/4

5

30

See Registrar's court

no 9, 22361

D. 10-4-1920

19871 (11)
21102
129 of 1919.

Serial
No.

calls for records in the
secretary's office, case of Sedatore D...

From the same.

No. 1062 of 30. 4. 1920

Forwards the entire record
in the case & requests that they
may be returned when required
no longer.

27) Subd for personal with reference
see to order on page 9.

4/5 28) The receipt of the Special Diaries
in the case with the information called for from
the D. G. of Police will be awaited.

4/5 29) The Special Diaries have been received in the meantime
for

The D. G. of Police No. R.O.B. 1943 of 28th May 1920
As called for in Serial 3, forwards the Special
Diaries and furnishes information on certain points.

30) Subd with reference to para 21

D. J.

22/5

20/5

15/5

31) Subd for orders

20/5
10/5

32) III Member

The last Member will go through
the Special Diaries & keep the facts
contained in his reports memo.

10/5

22/5

20/5
15/5

R-25/5

Serial
No.

Subd

33) The Special Diaries have been examined carefully. They are ten in number and also translated into English. The facts in the D. S. D's memo correspond to those reported in the S. D. Diaries.

34) The Amildar seems to have wasted a good deal of valuable time in investigation & committed a blunder in omitting to immediately search the house of the 1st accused Ramejwara & in seizing some articles in the 2nd accused house instead, ^{although} they had no bearing on the case. He seems to have placed reliance on the ^{theory} ~~of the Amildar~~ involving the 2nd accused as the author of the murder, though it was violently opposed to probabilities as well as the first statements & complaints of Nanjamma, the wife of the deceased (vide Jb: W & the Enquest reports - fb: X). The Amildar did not discover this mistake until more than 15 days after the date of the murder (Naras vide S. D. Diary no: X of 3rd October 1919)

D. M.
10/9

35) Member - The Amildar has no

1790
10.9.20

General and Revenue
Secretariat.

PS (File No. 119 of 1917.

Serial
No.

and the complaint case. It is not alleged
that it was in any way due to witnesses
not being in his presence. He was in supervision
a guide and the witness work.
He may be warned to be more careful
in future.

36) Draft subdi.

SBB

24/9

37) Draft Geo. put up for
approval or other orders.

SBB

6/10
7/10

38) Subd for appb

11/11 (Yember)

39) A revised map is put up
which may issue

SBB

15/10

L D Issued

D. M.

19/10

8

50

See S. G. & Police

See Revenue Commr.

See Registrar Ch court.

no 9448-50

BE 25-10-1920

G. R. S. III-2,

General and Revenue
Secretariat.

Pol File No. 129

of 1919.

Serial
No.

States that Govt think that
the Dierker murder case was from
the very beginning badly handled
by the Amildar Mr. J. V. Ramaswami

15
416961 Bangalore.
Police No. - 1 21. 1. 20.

Dear Mr. Subramanya Esq.

I send herewith for
your perusal, an extract
from the "Truth" dated
the 19th instant re
Kestur Murder Case.

9 23/1/20

This is to
be sent to
the Sessions Court
21/1

Measures
to be taken
to-day
10. 11. 20

I shall be obliged if
you will kindly let
me have a copy of
the Sessions Court
judgment in the case,
together with your
remarks on the obser-
vations made by the
Sessions Judge in
regard to investigation
of the case.

Yours Sincerely,

23/1/20

A. Subramanya Esq. Esq.,
J.G. of Police.

23/1/20

Mysore Notes.

(From our Own Correspondent.)

14/1/20.

THE KESTUR MURDER CASE.

Mr B Nagappa, Bar-at-Law, Sessions Judge, Mysore, delivered judgment in the above case in which Rame Gowda and Hadaniga Chari were hauled up before the Sessions Judge on a charge of murdering one Lingaiya, a resident of Kestur village, Yetadore Taluk, on the night of the 15th November last with a dagger.

The facts of the case are, briefly, as follow:

On the night of the 15th November last, the deceased returned home and, after night-meal, went out to answer calls of nature. It is alleged that Hadaniga Chari, 2nd accused, came and caught hold of him near the village gate and that Rame Gowda, 1st accused, stabbed him in the abdomen with a dagger. The accused are said to have run away and Lingiah went home and instructed the people to take him immediately to the hospital at Hunsur in a cart. Lingiah died on the way and hence the case.

The matter was investigated by Mr. T. V. Rama Sastri, Amildar, and the two accused were hauled up. The prosecution evidence was perfunctory and was not supported by facts to prove the motive for murder. Ill-will over a pateli office; a decree for Rs.70 in a small cause court against 1st accused and the filing of a trivial complaint before a Third Class Magistrate would not, the Judge held, be sufficient motive for such a dastardly crime. The Judge held that no case was made out against the accused and accordingly acquitted them. In doing so, the Judge observed that the investigation of the case was very perfunctory; that the Amildar frankly admitted that he was new to the work and had no experience, having come recently from the Revenue Commissioner's Office where he was only a clerk and that it was very much to be regretted that his investigations had not been supervised by the higher Police officers, with the result that there was a miscarriage of justice.

335
29.1.20

Ambray
(Police)
29.1.20

Re-submits
with reference

29.1.20

Macrobrachy
in person with

of the Inspector General of Police
in Mysore,
Police 129-19-2

Dated Bangalore, the 29th January '20.

1919-20

14235

X

Dear Mr. Balasundaram Iyer,

As desired in your D.O. No. 16961 of the 23rd instant, I send herewith a copy of the Sessions Judge's judgment received with Sessions Judge's letter No. 2827/626 dated 12th Idem.

2. The offence was committed on the 15th September last. When the information reached the District Police Office, the Superintendent Mr. Machayya was on casual leave on account of his sister-in-law's death and the Assistant Superintendent of Police, Mr. Everard was in charge.

3. An Officer temporarily in charge and with his own heavy work to do in connection with the Dasara, which would commence on 25-9-1919, could scarcely give much attention to this case. Still Mr. Everard proceeded to the scene of occurrence and came back after discussing matters with the Amildar.

4. Soon after Mr. Machayya's return he visited the place and went into details of the investigation and found that there had been some bungling. As I was at Mysore he was keeping me informed about the progress in the case, and I had from then no hope of securing a conviction.

5. The Amildar Mr. T. Rama Sastry has no experience at all of Police work. The Inspector could not be helpful

2

to

Mr. 802
29.1.20
2-FEB 1920

115

to him as he had to go to Mysore for some cases with the result, that the Amildar was guided in his investigation by a Revenue Gumasta who was once a Police Jamedar.

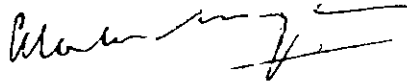
3
y

6. In this connection it will be opportune to refer to your letter No. 12261/Police ¹¹⁰⁻¹⁸⁻¹ dated 21-12-1918 calling for opinion in the matter of relieving Amildars of the investigation of heinous cases and entrusting it to Inspectors subject to the supervision of the Amildar and to Mr. Humza Hussein's letter No. 4639/342 dated 13/18-1-1919 proposing that Amildars should be divested of all Police powers and to say that I entirely agree in the views of Mr. Humza Hussein.

Amildars should have nothing to do with the investigation of heinous cases. It is not only this one case that has failed; there is one of Bidadi in the Closepet Sub Taluk which is likely to have the same fate for the same reason. It is obvious that an Amildar who is himself in need of guidance cannot guide or issue instructions to a Police Inspector.

7. The time has come for divesting Amildars of their Police powers also and I urge the same for the urgent and serious consideration of Government.

Yours sincerely,



Offg. Inspector General of Police.

19

In the court of Sessions, Mysore Division.

Dated, Mysore, 6th January 1920.

Present:- D. NAGAPPA, Esq., Barrister-at-Law,

SESSIONS JUDGE.

MYSORE SESSIONS CASE NO. 12 of 1919-20.

Complainant.

Accused.

Government of Mysore.

Vs.

1. Rare gonda.

2. Hada Ninga Chari.

Charge:- Murder under section 302, I.P.C.

J U D G M E N T .

The prisoners are indicted for the murder of one Lingaiya a resident of Kestoor village, Yedatore Taluq, on the night of 15th September 1919. The 1st prisoner is alleged to have pierced him with a dagger on the left side of his abdomen and the 2nd prisoner is alleged to have held him while the act was committed.

2. The story of the prosecution is simple and may briefly be narrated as follows:-

The deceased Lingia had obtained a decree for Rs. 70/- against the 1st prisoner and had put the decree in execution. The 1st prisoner had filed a complaint for trespass and mischief against the deceased and 5 others before the Amildar Magistrate at Yedatore, and that case was for hearing on 15th September last

on which date the deceased and the 1st prisoner appeared before the Amildar. It is also alleged that the deceased was a paramour of 2nd prisoner's wife who was formerly kept by the 1st prisoner.

These causes, it is alleged, operated on the mind of the prisoners to commit this dastardly crime under the following circumstances.

The deceased Lingia returned home in the evening of Monday the 15th September last from Yedatore, took his night meal and went out to answer calls of nature. While on his way, he was seized by the 2nd prisoner near the village gate or Hebbagal. Then the 1st prisoner stabbed him with a dagger. Both the prisoners and one Bana Naika the servant of the 1st prisoner ran away after the deed was committed.

The deceased Lingia returned home in agony, informed his wife and others what had occurred and asked them to remove him to the Hospital at Yedatore. While he was being taken in a cart, he died on the way from the shock resulting from the wound.

On the following morning, a complaint was preferred to the Amildar by Hanjamma, the widow of the deceased. The Amildar held the inquest, subjected the body for autopsy and investigated the case with the result that the prisoners are brought to trial before this court.

3. The plea of the prisoners is one of not guilty. They state that the case is concocted against them by their enemies.

4. The first point for determination relates to the death of Lingia.

The testimony of the prosecution witnesses Nos. 1 to 6, conclusively proves the death of Lingia. The evidence of

Mr. Thaya Manar Sub Assistant Surgeon who held the autopsy, shows that there was a wound over the left side of the abdomen, measuring 1 inch long, $\frac{1}{2}$ inch broad and 5 inches deep. He is of opinion that death was due to the shock resulting from this wound.

Hence it is established beyond a reasonable doubt that Lingia received an injury which resulted in his death a few hours after the injury was inflicted by some person or persons.

5. The important question that I am called upon to decide is whether the prisoners are the authors of the crime.

The evidence adduced mainly consists of the testimony of prosecution witnesses Nos. 1 to 4, who are alleged to have heard that the deceased declared immediately after the assault and who have reported the same before this court and of the testimony of Nanjia P.F.2, who says that when he was returning from his field, he heard the cries of Aiyo, Aiyo, and saw the prisoners running away - the 1st prisoner entering a shop kept by Gangojee and the 2nd prisoner going to his house, that he found the deceased walking towards his house, and that the latter informed him about the occurrence.

The documentary evidence shows the existence of the decree put in execution by the deceased against the 1st prisoner and also the criminal case pending before the Amildar.

The prosecution witnesses Nos. 1 to 4 further depose to the fact of what others thought of 1st prisoner and the deceased regarding their criminal intimacy with Kari the wife of the 2nd prisoner.

6. It is contended by the advocates for the prisoners that the witnesses Nos. 1 to 4 are all hostile to the prisoners and have fabricated the dying declarations and that this case has been concocted against the prisoners. There seems to be

much substance in their contention.

7. I shall briefly deal with the salient features of the case.

Manjamma (P.W.1) is the widow of the deceased. Her evidence shows that she has been capable of improving her story at every stage of the inquiry. In her first complaint Exhibit P1 given before the Amildar on the morning of 16th September last, she distinctly reported that the deceased declared, namely, that the 1st and 2nd prisoners ^{came together} alone pierced him with a dagger, and that the 2nd prisoner and another whom he did not know ran away with the 1st prisoner. She did not mention anything regarding the alleged criminal intimacy that existed ~~xxxxx~~ between the deceased and Hari. In the concluding portion of Exhibit P1 she stated in explicit terms that the 1st prisoner was alone the enemy of her husband, that he alone has committed the deed owing to civil litigation and that he should be ~~xxxxxx~~ punished.

When she was examined by the Amildar between 10 A.M. and 1 P.M. on the same day at the time of Inquest, she gave a different version. She stated that her husband told her that some third person was running at a distance after the assault. In Exhibit P1 it is mentioned that the third person was standing near Kallu Katto when the deed was committed. Regarding the part played by the 2nd prisoner, she does not mention, as in Exhibit P1, that the 1st and 2nd prisoners came together. It is mentioned that both the prisoners ran away after the assault.

It is to be observed that both at the time of recording Exhibit P1 ^{and} ~~in~~ her statement at the time of Inquest, she has not mentioned that the 2nd prisoner took any active part in seizing the deceased at the time of the assault. Neither

has

has she or any witness who is examined before this court stated regarding the alleged criminal intimacy with Bari, which according to the prosecution, has afforded a motive for the crime.

The active part attributed to the 2nd prisoner and the criminal intimacy of the deceased with Bari are prominently brought forward by Nanjamma and other witnesses before the Committing Magistrate for the first time.

The testimony of Nanjamma is contradicted by the evidence of S.Lingaiya (P.W.4), in that the former reports that the deceased told her in the presence of all the witnesses that he was attacked while he was passing by village gate where as the latter says that he was seated to ease himself at the village gate when he was attacked.

When a witness is capable of improving his or her story at every stage, the evidence of such a witness must be received with great caution.

As to the testimony of Nanjia (P.W.2) Chenne Gowda (P.W.3) and S.Lingia (P.W.4), it is significant to observe that each one of them has a motive to depose falsely against the 1st prisoner.

It is to be noted that the occurrence is alleged to have taken place inside the village by the side of village gate and in front of a shop kept by Gangojee between 10 and 11 P.M. on Monday the 15th September last. It is a dark night and the moon had not yet risen at that hour.

Nanjiah swears that he saw the two prisoners running away at a distance evidently after the assault. He admits that his eye-sight is defective, he is short-sighted, and is
unable

24

unable to see clearly objects placed at a distance of some feet. He can only read the manuscript at a distance of 8 inches from him. His admissions show that he belongs to the faction opposed to that to which the 1st prisoner belongs, that there has been long standing litigation between the members of his family and the members of the family of 1st prisoner in respect of Pateli office, and that he stood as a surety to the accused in criminal case filed by the 1st prisoner.

That he has been actively helping the complainant Nanjamma in this case is clear from the fact that he went with her to Yedatore and took her to the Amildar to prefer the complaint Exhibit P1 in this case. Like Nanjamma, he has improved his story at every stage.

Chenne Gowda (P.W. 3) is the uncle of Nanjin. He has been directly connected with the litigation regarding Pateli office, referred to above. He admits that there has been litigation from a long time between him and Govinda Gowda the nephew of 1st prisoner regarding Pateli office. He belongs to a faction opposed to that to which 1st prisoner belongs. He gave evidence on behalf of S. Lingiah (P. 4) against the 1st prisoner in a civil suit.

was

S. Lingiah (P. 4) admits that there ~~was~~ a suit filed against him and the 1st prisoner in Second Munsiff's court at Mysore recently, that he pleaded that the ~~first~~ 1st prisoner alone was liable to the plaintiff's claim based on a bond executed by both of them, and that his plea was negatived and a decree was passed against them. He admits that this decree was executed against him and the full amount was recovered; and that he had filed a suit against the 1st prisoner for recovery of the amount due by the latter. Exhibit E2 is the

the copy of plaint filed by this witness on 21st July 1919. This shows clearly that he is perfectly hostile to the 1st prisoner. His evidence ^{as} shown above is contradicted by Nanjamma and other witnesses.

It is thus clear that not one of the witnesses examined by the prosecution can be said to be disinterested and that these witnesses except Nanjamma are shown to be the enemies of the 1st prisoner.

8. It is very significant that the prosecution were able to secure only the testimony of these witnesses. The Amildar says that he examined Gangojee, Nanjundia, and Lalle Gowda who were living in houses near the scene of occurrence. Nanjia says that Gangojee was actually present in his shop opposite to Hebbagal at the time of occurrence. These persons were not examined before this court. This fact raises a fair presumption that these persons do not support the case for the prosecution.

The prosecution was not able to secure the dagger with which the deed was committed. There are no blood marks to be found at the alleged scene of occurrence. If the deed was committed in the midst of houses, the inmates of such houses would naturally have been the persons that would have been attracted to the scene of occurrence by the cries of the deceased.

If three persons were concerned in the crime one would naturally expect a preconcerted action among them. No attempt has been made to secure any evidence of such conspiracy.

There is one aspect of the case which, in my opinion, militates against the theory of the prosecution.

It is in evidence that the 1st prisoner has been a paramour of the 2nd prisoner's daughter-in-law, that this woman had conveyed all her properties to her paramour, that the 2nd prisoner has been disputing the right of his daughter-in-law to convey the properties belonging to him and that in consequence

consequence he was not in good terms with the 1st prisoner. When the feeling between the two prisoners was admittedly strained, is it likely that they would have joined together to plan the murder of Lingia?

As to the motive, the evidence regarding the alleged criminal intimacy cannot be believed. As observed above this idea seems to be an after thought and worked up by some one interested in the prosecution.

Even assuming the evidence is true, I cannot bring myself to believe that the 1st prisoner who gave up Kari about a year ago and found a young and new lover, could join with his enemy the 2nd prisoner, the husband of Kari, who would have naturally detested the former's intimacy with his wife, to plan the murder of Lingia on account of his supposed intimacy with Kari.

The existence of a decree made by a Small Cause Court for Rs. 70/- and the filing of a trivial complaint of trespass before a third class Magistrate will not naturally afford sufficient motive to commit such a dastardly crime as the one under consideration.

These considerations lead me unhesitatingly to hold that the case for the prosecution is not true, and that the ~~prosecution~~ prosecution witnesses Nos. 1 to 4 have, in my opinion, fabricated the declarations alleged to have been made by the deceased Lingia.

In this respect I agree with the view taken by the assessors.

9. - Concurring with the unanimous opinion of the assessors I find the prisoners (1) Ramo Gowda and (2) Lingachari not guilty of the offence specified in the charge, viz, of murder. They are accordingly acquitted of the charge of murder and

directed

27

directed to be released.

10. I shall indeed be failing in my duty if I fail to record my impressions about the investigation of this case.

The investigation has been very perfunctory. Mr. T.V.Rama Sastri, the Amildar, who investigated the case, frankly admits that he had no experience of the Police work, that he was lately appointed an Amildar, that he was only a clerk in Revenue Commissioner's office, and that this is the first case he investigated.

He made no independent enquiry to find out whether the deceased really made the declarations attributed to him by persons who are hostile to the prisoners. He seems to have been led away from the commencement by the interested version of the complainant and her partisans. He did not at least consider that he should attempt to find out the weapon with which the dastardly act was committed. He did not cause any enquiry to be held regarding the plot to murder the deceased.

It is very much to be regretted that his actions do not seem to have been supervised by the higher Police authorities. The result has been a miscarriage of justice.

11. Articles Nos. 1 to 3 and 5 will be returned to Nanjamma (P.N.1) and articles Nos. 4, 6 to 9 will be sent to the District Magistrate for disposal according to law.

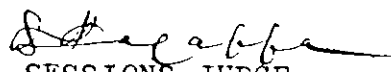
Pronounced in open court.

Ed/ B. NAGAPPA,

Sessions Judge.

9th January 1920.

" C O P Y "


SESSIONS JUDGE.


I. Witnesses examined in the case:-

For Prosecution.-

1. Nanjamma.
2. Nanjaiya.
3. Channe gowda.
4. S. Lingaiya.
5. Mr. T.V. Rama Sastri, Amildar.
6. Theya Sagar.
7. Shek Ahmad.
8. Settoji.
9. Vyasachar.

For Defence.-

None examined.

II. Articles produced and marked.-

1. A coat.
2. A white shirt.
3. A panche worn by the deceased.
4. A panche used for bandaging the wound.

Not marked.-

4. A piece of cloth (small coat).
6. A towel.
7. A white panche without border.
8. A piece of black yellow bordered sadi.
9. A sickle.

III. Exhibits filed in the case:-

For Prosecution.-

- P1. Statement of Nanjamma, P. 1 before the Amildar of Yedator on 16-9-1919.
- P2. Chemical Examiner's certificate re stains on articles 1, 2, 3 and 5.
- P3. Criminal complaint in C.C. o. 23 of 1919-20 on the file of the Amildar Magistrate of Yedatore by the 1st accused against the deceased and others.

29

- P4. S k e t c h.
- P5. Execution proceedings in Execution Case No. 612 of 1918-19 on the file of the Sub Judge's court, Mysore.
- P6. Statement of the 1st accused before the Committing Magistrate.
- P7. Statement of the 2nd accused before the Committing Magistrate.

For defence:-

- D1. Petition by Channe gowda, P.O.3, to the Vannambadi Reservoir Land Acquisition officer, dated 25-7-15.
- D2. Copy of plaint in O.S. No. 77 of 1919-20 on the file of the court of the Second Munsiff of Mysore.
- D3. Note of the Yedatore Taluk Magistrate on the order sheet in C.C.No. 23 of 1919-20 on 15-9-1919.

G. R. S. VI—G/32]

SUBJECT.....

Diary No. of letter replied to.....

Section *Police*

File No. *129-19*

Serial No. *3*

GENERAL AND REVENUE SECRETARIAT

(*Police*)

the

191

No. *G. 22311*

Date of issue.....

27/3/20

To

Signed by.....

Mr. M.

*The D. G. of Police
in Mysore
Sir,*

*With reference to
your letter No. 335 d/
29.12.1919 forwarding
copy of the judgment
of the Sessions Judge in
the Keshu Murder case,
I am directed to request
you to be so good as to
furnish information*

over.

the following points:—

- 1) Why the dagger was not recovered by the Police? Whether any attempt was really made towards its recovery?
- 2) Whether the spot where the deceased is stated to have been stabbed was examined by the Police? and also
- 3) Whether blood stains were found on the spot where, as
- 4) Whether (according to the medical evidence, there should have been ^{was} been profuse bleeding so as to leave blood stains on the ground & a trail of it up to the house? and
- 5) When was P.W. 2 examined by the Police and what was the statement made by Shopkeeper Gungjee before the Police.

The special diaries and also the records of the case may ^{List of enclosures.} be forwarded for the perusal of Govt.

It is to observe that in the absence of the Inspector the Sub-Inspector should have assisted the Amildar in the investigation of the case, & his conduct requires to be noticed.

I have &c

Mr.
28/3

Copied by

Examined by

For Chief Secy

SRB
21/2/20

18331

26894

No. Office of the Inspector General of Police in Mysore

Dated Bangalore the 3rd. April 1920.

h.S. on Roc 1943
19-20

Police 129-19-4

From

A. Subrahmanya Iyer Esq., B.A.;

Offg Inspector General of Police in Mysore

P.L.
6-4-20
urgent
draft
10-6-20

C.S. Balasundaram Iyer Esq., B.A.,

Chief Secretary to the Government of

His Highness the Maharaja of Mysore.

Sir

I have the honour to acknowledge the receipt of your letter No. G. 22311/Pol 129-19-3 of the 27th. ultimo, calling for certain information regarding the Police investigation in the Kestoor murder case of Yedatōre taluk, Mysore District, and to state that the required information has been called for from the Deputy Commissioner, Mysore District, together with the file of special diaries connected with the investigation of the case and the same will be submitted on receipt.

Regarding the submission of the records of the criminal proceedings of the case both in the Committing Magistrate's court and in the Sessions court, I would suggest that a reference may kindly be made to the Registrar of the Chief Court or Sessions Judge

I have the honour to be,
Sir,
Your most obedient servant,

Offg Inspector General of Police.

Y

SUBJECT.....

Diary No. of letter replied to... 18331

GENERAL AND REVENUE SECRETARIAT

(Police)
the 191

Date of issue... 10/4

Signed by... Mr. Rice

Section Police
File No. 129-19
Serial No. 5

No. 23367

To

The Registrar,
Chief Court of Mysore,
Bangalore.

Sir,

I am directed to request you to be so good as to kindly obtain and forward the records connected with Mysore Session Case No 12 of 1919-20 in regard to the murder committed on 15th Sept 1919

over.

Wtd
9/4

at Keston village,
Eyedore Tunk.

I have VC

~~Dr~~
N4

For Chief Secy

~~Sub~~

6/14
7/14

List of enclosures.

Copied by

Examined by

1919 - 1920.

No. 1062 Enc. Records.

Ch. Secy

1-10-1920 CM

Chief Court of Mysore,
Mysalore, dated 10th April 1920.

29516

From

The Registrar of the
Chief Court of Mysore.

To

The Chief Secretary to the
Government of Mysore, Mysalore.

Sir,

Adverting to your letter No. G. 23361/Pol. 129-19-5,
dated 10th Instant, I am directed to forward herewith the
entire records in Mysore Sessions Case No. 12 of 1919-20 or
the file of the Sessions Judge, Mysore Division, in regard
to the murder committed on the 15th September 1919 at Kestoor
village, Yedatore Taluk, and to request that the records may
be returned when no longer required.

I have the honour to be,

Sir,

Your most obedient servant,

M. V. Srinivasan

For REGISTRAR.

R

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pol

129-19

6

RECEIVED
4-MAY 1920

No. *Roc 1943 E 1 file*
9.20

Office of the Inspector General of Police
in Mysore.

Dated, Bangalore, the 7th May 1920.

From

A. Subrahmanya Iyer, Esq., B.A.,
Inspector General of Police in Mysore.

21183

To

C. S. Balasundaram Iyer, Esq., B.A.,
Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

129-4
7.

Sir,

With reference to your letter No. G 22311/ Pol 129-19-3 of the 27th March 1920 calling for information on certain points in connection with the Police Investigation in the Kestoor murder case of Yedatore Taluk, I have the honor to state in continuation of this office letter No. R.O.C 1943/19-20 of the 3rd April 20, as follows:-

1. The Amildar of Yedatore Taluk Mr. Ramasastry who took up the investigation of this case, reached the spot on the 16th September 19, searched the house of the 2nd accused and seized a sickle as it appeared to him to contain some marks. He did not search the 1st accused's house on that day as it got dark but he deputed Chunchanabatte Police Duffedar to get the house ^{sealed} ~~searched~~ and watched through the night. He searched the same on the next day and seized only a document and no weapon. (vide Special Diaries parts I & II).
2. The investigating officer examined the spot but found no blood marks at all. On this point Superintendent of Police, Mysore in his letter No. 2992 dated the 11th

3370

87
at night

From

The Inspector General of Police in Mysore.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated, 7-5-20

Ch...
R...

Despatched 8⁰⁰

No. Roc. 1943/4-20 am 1 file

Re the Roster Murders case

file
11-1

gnd
P. 11/5

P. 11/5

ultimo to the Deputy Commissioner reports that blood from the abdominal wounds of the kind, could easily be stopped from flowing by the application of a cloth to the wound.

3. P W2 Nanjayya was examined by the investigating officer on the 16th September 19 at the time of the Inquest at Yedatore

// Shop keeper Gangoji was examined on the 19th idem, He stated that as the 1st accused sent for him to his house he went thither and found him ill with fever, on account of travelling in cart and that when he returned to his shop he found the deceased going to 2nd accused's house to which the 2nd accused objected, saying that he had not brought back the document he undertook to bring, that he would hit him with a sickle and that the deceased ^{then} went towards his house, placing his hands on his abdomen but that he did not see the actual beating (vide Amildar's IV special diary)

Memo of the facts of the case received from the Superintendent of Police Mysore District together with copy of his letter referred to above and the file of Special Diaries as per Pherist, are herewith submitted.

I have the honor to be,

Sir,

Your most obedient servant,



For Inspector General of Police

(Absent from Head Quarters).

c/s

Letter No.2992 dated 11th April 1920, from the Superintendent of Police, Mysore District, to the Deputy Commissioner, Mysore District.

Adverting to your Memo No.R.O.C.1105/J.19-20 of the 8th instant forwarding for early attention letter No. R.O.C.1943 . of 19-20 of the 5th instant of the Inspector General of Police calling for information on certain additional points, I have the honor to state that I have submitted a detailed memo on the merits and conduct of investigation of the case as also the special diaries with my letter No.2991 dated 11th April 1920.

As regards query number one, contained in the letter under reference, supra, I beg to state that as could be seen from parts I, dated 16-9-1919 and II dated 17-9-1919 of the special Diaries submitted by the investigating Amildar, the houses of accused Ningachari and Ramegowda were searched, but no dagger was found. A sickle suspected to contain mammalian blood was found and seized on 16-9-1919 in the house of Ningachari.

Re query No.2:- Part I. Special Diary of the Amildar dated 16-9-1919 shows that on examination, no blood stains were found at the alleged scene of Murder which was near the village gate. I may venture to submit that blood from the abdominal wound of the kind inflicted on the deceased could easily be stopped from flowing by instinctively applying cloth to the wound.

Re Query No.3:- P.W.2 Nanjaiya was examined by the Amildar on 16-9-1919 at the time of inquest as he had followed the deceased to Yedatore. As regards shop-keeper Gangoji Rao, he was examined by the Amildar on 19th September 1919. He as the friend of Ramegowda, exonerated him and fixed Lingachary. The Amildar was convinced of Gangoji's interestedness and

and duplicity only, when I examined Gangoji at great length
in the Chavady in the presence of the Amildar.

The Inspector General's letter under reference is
herewith returned.

----- "Copy"

V S Venkatarao

For Deputy Commissioner,

B Mysore District.

● Memo of the facts of the case relating to Kestoor Murder,
Yedatore Taluk.

- Accused. 1. Ramey Gowda.
2. Hada Ningacharry.
3. Bananayaka.

The scene of occurrence in this case is the village gate at Kestoor and the occurrence took place between 9 and 10 P.M. on 15-9-1919. The facts of the case as placed before the court were as follows:-

Accused Ramegowda and one Devaraje Gowda were two leading inhabitants in the village at the head of two rival factions. There was a dispute between these two leaders regarding a piece of land and the deceased, Lingaiya, took the side of Devaraje Gowda. Ramegowda had filed a criminal complaint against Devaraje Gowda Lingaya the deceased and others, alleging that they had trespassed on the land. The case was posted for hearing on 15-9-1919 and it was elicited that Ramey Gowda and his witnesses with the deceased had gone to Yedatore and returned though the Amildar Magistrate's order sheet does not contain particulars as to the persons present. Ramegowda also owed some money to the deceased, and the latter had filed a civil suit for its recovery and obtained a decree. There was also a talk in the village that accused Ramegowda and the deceased (Lingaiya) were keeping Kamma, who is the wife of accused Ningachari and that on this account also there was a feud between Ramey Gowda and deceased. 2nd accused Ningachari belonged to Ramegowda's faction. The third accused, Bana Naika, who was discharged by the committing Magistrate,

was the servant of Ramegowda. On 15-9-1919 it is alleged that the deceased on his return to the village after having attended the court of the Amildar Magistrate with Ramey Gowda and others went out to answer calls of nature after supper and that a short while after, he returned home holding his abdomen and complaining that he had been injured. His wife bandaged the wound and the alarm raised by her brought the prosecution witnesses to her house. In their presence the deceased is alleged to have given an account of how he had been stabbed at the village gate. He was thereafter taken to Yedatore when he died on the way. On the following ~~Rama Sastry~~ ^{by} ~~by~~ ^{morning} the complaint was lodged before Amildar Mr. T. V. Rama Sastry by Nanjamma, wife of the deceased.

At about 7 A.M. or so the Amildar recorded the first statement of Nanjamma. She then said that her husband had told her that Ramegowda 1st accused had stabbed him, that Ningachari (2nd accused) was standing close by and that another individual who was standing at some distance had run away. The inquest was held by the Amildar at about 11 A.M. when the statements of Nanjamma, Puttamma, Lingaiya bin Linganna and Nanjaiya were recorded. These statements are at variance with the first statement of Nanjamma. Her statement at the inquest was that her husband had implicated Rame-Gowda as having stabbed him. No allusion is made to the complicity of Ningachari or of the run away accused, who was later on traced as accused Bana Naika. She is alleged to have ^{stated} ~~stated~~ then that it was Nanjaiya who had informed the prosecution witnesses of his having been accused Ramegowda, Ningachari and a third man who was running away from the scene of Murder. Lingaiya bin Linganna, Puttamma and Nanjaiya who are alleged to have heard the dying declaration made have made no mention of the deceased having implicated accused Ningachari and the run away accused and Nanjaiya does not allege that he had heard the same.

Patel Chennegowda and Lingaiya bin Siddiyawere examined by the Amildar on 19-9-1919 and they stated that the deceased had declared that accused Ningachari had seized him when Ramegowda stabbed him with a dagger. Thus the prosecution ^{said} witnesses are shown in the ~~and~~ records to have given various versions regarding the dying declaration.

Secondly the special Diaries disclose a second theory namely that Nanjachary had committed the murder. After holding the inquest on the noon of 16-9-1919 the Amildar proceeded to Kestoor village and reached it in the course of the afternoon. Though it was already known to the Amildar that it was Ramegowda who had stabbed the deceased with a dagger and had run away in a direction different from that taken by Ningachari, yet curiously enough he defers searching the house of Ramegowda till ^{the} next day on the score of want of time and goes to conduct the searches of the houses of Ningachari. What is stranger still he seizes there a piece of saddy, a bodice and a ~~saddi~~ sickle (though a dagger is alleged to have been used) on the ground they had blood stains on them. The Chemical Examiner found no traces of blood on these. On 17-9-1919 during the search of Ramegowda's house a document was seized which was alleged to have been executed by Ningachary's widowed daughter-in-law by name Chennamma disposing of her deceased husband's portion of the house in favour of Ramegowda against the interests of Ningachary unmindful of the fact that such a document would go to prove zid between Ramegowda and Ningachary and render their complicity improbable.

Again on the same day (i.e. 17-9-1919) accused Ningachari, and his wife Eramma were examined. They alleged that the deceased had been visiting Eramma much against the wishes of Ningachari and that remonstrances on the part of Ningachari

were unavailing that on the night of occurrence the deceased went to their house and caught hold of Bamma in the presence of her children; and when she raised an alarm Ningachari came, and as the deceased would not leave the house (Ningachari) took up a sickle and caused hurt on the abdomen. Evidently the Amildar appears to have been disposed towards accepting this theory from the moment he went to Kestoor village. Shop keeper Gangoji Rao and Nanjundaiya who live close by the village gate are examined on 19-9-1919; and the account given by them though grossly absurd appears to have been accepted by the Amildar for the time being. This Gangoji Rao is a creature and dependent of Ramegowda and according to witness Nanjaiya, Ramegowda is said to have run into the shop of Gangoji Rao after assaulting the deceased. Gangoji Rao supported the statements of Ningachari and Bamma on important particulars, but stated that owing to darkness he could not see the blow dealt though he saw Ningachari come out with the sickle. He added that he heard Nanjaiya son of Ningachari saying that he would disclose ~~never~~ ^{every} thing in the morning; and that out of curiosity he fetched his neighbour Nanjundaiya, who also heard the boy repeating the same thing. Subsequently boy Nanjaiya and his sister Subbi were examined in support of this alleged occurrence. A number of other hearsay witnesses were examined by the Amildar to substantiate that Ningachari alone had committed the deed out of jealousy as stated above. Thereafter the Amildar stultifies himself by concluding that all the prosecution witnesses were hostile to Ramegowda, and that while Ningachari alone had committed the murder, the incident was an advantage of to implicate Ramegowda out of ~~zid~~ ^{zeal}. Finally, however, the Amildar abandoned the second theory and on 27-9-1919 examined one Appajaiya, who stated that on the night of occurrence, the deceased's wife took him to her house and there he learnt from the deceased that Ningachari had seized him and Ramegowda had stabbed him. But Nanjamma

was not referred to this incident in her statements, nor do the other witnesses who were present throughout. This witness is not cited in the chargesheet.

The 3rd accused who is alleged to have run away was traced to be Bannaika servant of 1st accused of Ramegowda. This was ascertained after I went to the scene on the eve of Lingaya bin Chenbasaviah; but the committing Magistrate discharged him as Lingaiya bin Chenbasaviah turned hostile. At the early stages of the case I was absent on leave and Mr Everard, who was then in charge, visited the spot. After my return from leave I was able to visit the spot on 27-9-1919 and the case had by then been hopelessly bungled.

In the committing court accused Ningachary's wife Kamma and daughter Subbi as also Lingaiya bin Chennabasavaiya retracted their statements; and Mallegowda Nanjaiya son of accused Ningachari and Chennabasavaiya who had turned hostile were dispensed with. The other witnesses spoke consistently. Accused Ramegowda and Ningachari were committed to the court of Sessions. In the absence of the Public Prosecutor, I had to conduct the prosecution. With a conflicting special diary containing clashing views the Sessions Judge could not but disbelieve the prosecution evidence.

New as he was to the Taluk and to Police work, it is regrettable that the Amildar should not have taken the aid of any of his subordinates in the police department in investigating the case. The Amildar told me that the day he received the Patel's report he sent word to the Inspector Mr. Fida Hussain who was in Mysore and the Inspector came to Yedatore the next day noon and the Inspector told me that he went there the next morning and the Amildar assured him that he had completed the case and so he did not go to the spot. *The Amildar contradicts the Inspector* It has been brought to my notice that he ^{helped} was aided by one Kodanda Ramaiya, who was formerly in the Police Department and who on account of his complicity in

Nanjangud Torture case, got a change to the Revenue Department and who is now Gumasta in Yedatore Taluk office.

In conclusion I may submit that all this bungling is due to the Amildar's inexperience and to his persistently coming in the said Kodanda Rama, Shop-keeper Gangoji Rao's, game was not seen through by the Amildar till I opened his eyes to it in the Chavady by examining him in the Amildar's presence.

Maach

SUPERINTENDENT OF POLICE,

Mysore District.

10 ⁴/₂₀

copy

Maach

DSR
mz

Police 129-19-8 46

Proceedings of the Government of
H.H. the Maharaja of Mysore.

Read:-

Correspondence ending with
letter No.R.O.C.1943/19-20 dated 7/8th
May 1920 from the Inspector General of
Police in Mysore regarding the Police
investigation of the Kestur Murder Case
of the Yedatore Taluk.

Order No.

8448-50 (1) file
(3) Records.

Dated

25/10/1920.

On a perusal of the records of the case
and the judgment of the Sessions Judge,
Government think that the case was from
the very beginning badly handled by the
Amildar, Mr. T. V. Ramesh Shastri. But there
is this extenuating circumstance in his
case that he was quite new to Police work
and was deprived of the assistance of the
Police Inspector who was absent on other
duty at the time. He had not also the
guidance which an officer of his experience
should have had from higher officers of
Police. It is hoped that the remarks
of the District Judge will have the desired
effect and that such mistakes as have been
pointed out by the District Judge will not
be committed by the Investigating Officers.

Chief Secretary to Govt.

P.T.O.

13/11/1920

The Inspector General of Police in Mysore
returning file of special diaries re-
ceived with his letter No.R.O.C.

1943-19-20 dated 7/8th May 1920. .

The Revenue Commissioner in Mysore.

The Registrar, Chief Court of Mysore, returning
the file of records received with his letter
No.1062 dated 30th April 1920 (with a covering letter.)

The Inspector General of Police in Mysore
returning file of special diaries re-
ceived with his letter No.R.O.C.

1943-19-20 dated 7/5th May 1943.

The Revenue Commissioner in Mysore.

The Registrar, Chief Court of Mysore, returning

the file of revenue received with the letter

No. 1943. dated 7/5th May 1943 (with a covering letter.)